

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	
	)	Criminal No.: 4:00-603-CWH
	)	
vs.	)	
	)	
Angela Gwen Blair,	)	
	)	
Defendant.	)	<b>ORDER</b>
	)	
	)	
	)	
	)	

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Angela Gwen Blair (“Blair”) has filed numerous motions to compel the government to file a Rule 35(b) motion for a downward departure. Blair’s plea agreement provides as follows:

Provided [Blair] cooperates pursuant to the provisions of this plea agreement, and that cooperation is deemed by Attorneys for the Government as providing substantial assistance in the investigation or prosecution of another person who has committed an offense, the Attorneys for the Government agree to move the Court to depart downward . . . pursuant to . . . Rule 35(b) of the Federal Rules of Criminal Procedure.

In the plea agreement, the government retained the discretion to deem cooperation substantial assistance. Consequently, Blair must show that the government’s failure to move is based on bad faith or on unconstitutional motives. See United States v. Wallace, 22 F.3d 84, 87 (4th Cir. 1994).

Blair has not provided any evidence that the government’s failure to move has been based on bad faith or on unconstitutional motives. Accordingly, Blair’s motions to compel are denied.

**AND IT IS SO ORDERED.**

April 17, 2006  
Charleston, South Carolina

  
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**C. WESTON HOUCK**  
**UNITED STATES DISTRICT JUDGE**